REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

Claims 1-4 and 6-12 are pending in the application with claim 5 having been canceled and claim 6 and 12 having been amended.

Claims 1-4 have been found allowable.

Claim 6 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. According to the Examiner:

> "Process described in claim 6 it is said to produce 'alkaline earth metal salicylates'. However, it is unclear how the alkaline earth salt can be obtained if after preparing the alkyl-substituted salicylic acid as described in the step A, the said acid is further reacted with a previously overbased alkali or a phanate or carboxylate non-containing the required alkaline earth anion. How can an alkali metal earth be obtained from a reaction process not requiring an alkali-earth-containing reagent?"

Claims 6 and 12 have been amended in their preambles to read "alkali metal or alkaline earth metal salicylate". It is clear from a reading of step B of the claimed process that this is what was intended and that the alkali metal reference in the preamble was inadvertently omitted. The specification has been amended correspondingly.

Accordingly, it is requested that the rejection of claim 6 under 35 U.S.C. 112, second paragraph, be withdrawn.

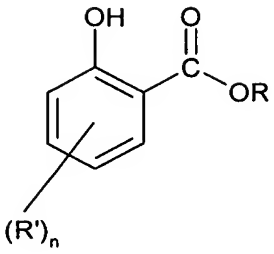
The specification has also been amended on page 14 to correct a typographical error.

Claims 7-10 have been objected to because they depend on claim 6. In view of the above-described amendment to claim 6, it is requested that the objection to claims 7-10 be withdrawn.

Claims 11 and 12 have been rejected under 35 U.S.C. 102(b) as being anticipated by Van Wijngaarden et al. (U.S. Patent No. 4,869,837) and Campbell (U.S. Patent No. 5,415,792).

Van Wijngaarden et al. disclose a process for the preparation of a basic alkaline earth metal salt of a blend of organic carboxylic acids, which comprises (a) preparing a mixture of one equivalent of the blend of organic carboxylic acids and more than one equivalent of an alkaline earth metal hydroxide and/or oxide in a hydrocarbon solvent; (b) introducing carbon dioxide into the mixture obtained in an amount of at least 0.5 equivalent carbon dioxide per equivalent of excess alkaline earth metal; and (c) removing residual solids, if any, and an aqueous layer, if any, whereby the blend of organic carboxylic acids comprises an oil-soluble alkyl salicylic acid and one or more hydrocarbon substituted succinic acids or anhydrides, in which the hydrocarbon radical has a number average molecular weight from 120 to 5000.

Campbell discloses a lubricating oil soluble, overbased alkylated alkyl salicylate composition which is prepared by the process which comprises:
(a) combining into a diluent from about 15 to about 50 weight percent of an alkylated alkyl salicylate based on the total weight of the alkylated alkyl salicylate/diluent composition wherein said alkylated alkyl salicylate is of the formula



where R is alkyl of from 1 to about 6 carbon atoms; R' is an alkyl group of from about 15 to about 50 carbon atom; and n is an integer from 1 to 2;

(b) combining a sufficient amount of an alkaline earth metal base into the composition produced in (a) above under conditions wherein the amount of alkaline earth metal is incorporated into the salicylate in excess of that necessary to neutralize the alkylated alkyl salicylate; and

(c) optionally contacting from about 0.1 to about 1.5 molar equivalents of carbon dioxide based on each molar equivalent of alkylated alkyl salicylic acid under conditions wherein carbon dioxide is incorporated into the composition

wherein the overbased composition has a TBN of from greater than 0 to about 300.

Neither of these references discloses the compositions of claims 11 or 12 of the present application.

Van Wijngaarden et al. describe overbasing a combination of a blend of organic carboxylic acids, wherein one is an alkyl salicylic acid and the other is hydrocarbon substituted succinic acid or anhydride. The presence of the substituted succinic acid or

anhydride ensures that the composition yielded by the process of the reference would be different from the product of the present invention, which is based solely on the overbasing of an alkyl salicylic acid.

Campbell does not employ an alkyl salicylic *acid*, but, rather, an alkyl salicylic *ester*. Accordingly, the product of Campbell would have to be different from that of the present invention.

Further, with particular regard to claim 12, neither of the references discloses a product that is prepared by reacting the oil soluble alkylated salicylic acid with a previously overbased detergent selected from the group consisting of overbased alkali or alkaline earth sulfonates, phenates, or carboxylates, thereby producing alkali or alkaline earth salicylate salts comprising *varying percentages of dispersed alkali or alkaline earth carbonate salts*. It is submitted that this varying percentage of dispersed alkali or alkaline earth carbonate salts distinguishes the product of the present invention by its properties from the products of either of the cited patents.

Accordingly, it is requested that the rejection of claims 11 and 12 under 35 U.S.C. 102(b) as being anticipated by Van Wijngaarden et al. and Campbell be withdrawn.

In view of the foregoing, it is submitted that this application is now in condition for allowance and an early Office Action to that end is earnestly solicited.

Respectfully submitted,

27 Apr 2005
Date

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